

EXHIBIT 11

1 1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF CALIFORNIA

3 PAPPAS TELECASTING, INC., a)
4 California corporation, and as)
Public Trustee,)
Plaintiff,)

5 vs.)

No. CV-F 92-5589-OWW

6)
7 PRIME TICKET NETWORK, a California)
Limited Partnership, CVN, INC.,)
8 The PACIFIC-10 CONFERENCE, a)
California non-profit association,)
CAPITAL CITIES/ABC, INC.,)
9 a New York corporation, and DOES 1)
through 20, inclusive,)
10 Defendants.)

11
12 DEPOSITION OF DALE THOMAS (DUTCH) BAUGHMAN

13 Taken on behalf of the Plaintiff.

14
15 BE IT REMEMBERED that, pursuant to the
16 stipulation of counsel for the respective parties
17 hereinafter set forth, the deposition of DALE THOMAS
18 (DUTCH) BAUGHMAN, the witness herein, was taken before
19 Leanne L. Pace, a Notary Public for Oregon, on Tuesday,
20 September 14, 1993, beginning at the hour of 9:45 o'clock
21 a.m., in the law offices of DEPARTMENT OF JUSTICE, 1162
22 Court Street, Salem, Oregon; with Doug Melamed located in
23 Washington, D.C..

24
25 **COPY**

**HOWARD ZUCKERMAN
AND ASSOCIATES, INC.**

5461 BLANCO AVENUE
WOODLAND HILLS, CALIFORNIA 91367-5794
(818) 888-7803 FAX (818) 888-7839 TELEX RCA 255890



August 14, 1991

Mr. Hal Cowan
Sports Information Director
Oregon State University
103 Gill Coliseum
Corvallis, Or 97331

Dear Hal:

We are handling the telecasts for Fresno State University and they are scheduled to play at your school September 21, 1991

To my knowledge, all rights to this telecast have been cleared by both school's Athletic Directors.

To make the telecast run smoothly, we are requesting the following:

Kick off should be at 5:08PM. It makes no difference to us what the pregame format is as long as the National Anthem is completed by 5:00PM

Commercial Co-ordination: We will operate under your conference rules. Could you arrange to have a coordinator assigned?

Stats Crew: We will need two stats people. One is required four hours before game. We will pay this person seventy five dollars. The second person is required at two hours before game time. This person will receive fifty dollars. A seat at the official stats position is needed for the second stats person..

Cameras and Mobile Units: Our normal plan is for the mobile unit and portable uplink to arrive at 10AM on game day.

We require one camera position at each of the 25 yard lines, one camera on the 50 yard line, a hand held on the near sideline and an end zone position. We would like an announce booth hopefully at one of the camera positions. This booth should be large enough to hold a minimum of four people across the front, plus room for a camera.

Credentials: Five parking and twenty five go everywhere passes are needed, Jerry Cole our producer will pick these up on Friday.

Randy Rosenbloom is our play by play announcer. Dave Cambell is our color. announcer. Both will be in touch with you before the game.

Mr. Hal Cowan
August 14, 1991
PAGE 2

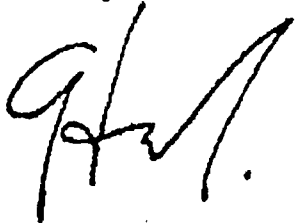
We are also handling Prime Sports Northwest origination. They will need a position for their talent.

I will be happy to give you our satellite coordinates so that you can advise your normal news outlets.

If the above presents any problem, please let me hear from you as soon as possible.

Please fax or call me with the names and telephone numbers of the people you assign to us. Let me take this opportunity to thank you. We look forward to working with you.

Sincerely,



Howard Zuckerman
President

HZ/mw

cc: Mr. Dutch Baughman OSU
Mr. Scott Johnson FSU
Mr. Jerry Cole
Ms. Anna Berg NMT
Mr. Woody Hubbell Conus

EXHIBIT 12

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 PAPPAS TELECASTING, INC., a
4 California corporation, and as
Public Trustee,
5 Plaintiff,

6 vs.

NO. CV-F 92-5589-OWW

7 PRIME TICKET NETWORK, a California
Limited Partnership, CVN, INC.,
8 The PACIFIC-10 CONFERENCE, a
California non-profit association,
9 CAPITAL CITIES/ABC, INC., a
New York corporation, and DOES 1
through 20, inclusive,
10 Defendants.

11
12
13 DEPOSITION OF HAROLD C. GIBSON, JR.

14 Deposition upon oral examination of HAROLD C. GIBSON,
15 JR., taken at the request of the Plaintiff, before
16 David Storey, a notary public, at the law offices of
17 Attorney General's Office, Spokane, Washington,
18 commencing at or about 1:30 p.m., on September 16,
19 1993, pursuant to the Federal Rules of Civil
20 Procedure.

21 APPEARANCES:

22 FOR THE PLAINTIFF:

CRIFE & GRAHAM

23 By: Gary E. Crife
Attorney at Law

24 2436 N. Euclid Ave., #5
Upland, CA 91786

1 understand correctly that Washington State does not
2 have in its custody or control the second page of
3 that letter if there is one?

4 MS. KONDO: That's correct.

5 MR. CRIFE: Okay.

6 (Ex. No. 11, letter to Rod Commons
7 from Howard Zuckerman, 8-15-91).

8 Q. (BY MR. CRIFE) I'd like to show you what has now
9 been marked as Exhibit 11 and ask you, I believe you
10 have a copy in front of you, sir, do you not?

11 A. Yes.

12 Q. And that has a stamped date of August 19, 1991,
13 would that indicate to you that the document was
14 received on August 19, 1991 and was so stamped when
15 it was received?

16 A. By the sports information director of the
17 athletic department, yes.

18 Q. There are some written notations in the upper
19 right-hand area of it, and it would appear to be cc
20 Rod and underneath that Pam B. Is Mr. Commons the
21 Rod as far as you know?

22 A. Yes.

23 Q. Do you recognize that handwriting?

24 A. Yes.

25 Q. Whose handwriting is that?

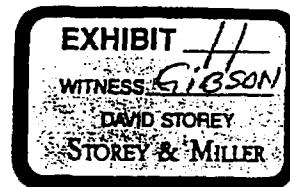
**HOWARD ZUCKERMAN
AND ASSOCIATES, INC.**

5361 BLANCO AVENUE
WOODLAND HILLS, CALIFORNIA 91367-5794
(818) 888-7803 FAX (818) 888-7839 TELEX RCA 255890

August 15, 1991

Mr. Rod Commons
Sports Information Director
Washington State University
107 Bohler Gym
Pullman, WA 99164-1610

AUG 19 1991



Dear Rod:

As you know we are handling the telecasts for Fresno State University and they are scheduled to play at your school September 14, 1991

To my knowledge, all rights to this telecast have been cleared by both school's Athletic Directors.

To make the telecast run smoothly, we are requesting the following:

Kick off should be at 2:08PM. It makes no difference to us what the pregame format is as long as the National Anthem is completed by 2:00PM

Commercial Co-ordination: We will operate under your conference rules. Could you arrange to have a coordinator assigned?

Stats Crew: We will need two stats people. One is required four hours before game. We will pay this person seventy five dollars. The second person is required at two hours before game time. This person will receive fifty dollars. A seat at the official stats position is needed for the second stats person..

Cameras and Mobile Units: Our normal plan is for the mobile unit and portable uplink to arrive at 6AM on game day.

We require one camera position at each of the 25 yard lines, one camera on the 50 yard line, a hand held on the near sideline and an end zone position. We would like an announce booth hopefully at one of the camera positions. This booth should be large enough to hold a minimum of four people across the front, plus room for a camera.

Credentials: Five parking and twenty five go everywhere passes are needed. I will pick these up on Friday.

Randy Rosenbloom is our play by play announcer. Dave Cambell is our color. announcer. Both will be in touch with you before the game.

EXHIBIT 13

- o o o -

VS.

Defendants.

November 11, 1993

- o o o -

DEPOSITION OF SCOTT JOHNSON

-o0o-

**CENTRAL VALLEY
REPORTERS**

1 Q. Are you taking any medications which in any
2 way would affect your ability to reason and
3 understand my questions?

4 A. No.

5 Q. Okay. Give me a brief history of your
6 educational background, please.

7 A. I went to the University of Oregon,
8 graduated with a degree in journalism.

9 Q. What year?

10 A. 1972.

11 Q. And after you graduated from Oregon, did
12 you begin working?

13 A. Yes, I was the State PR director for junior
14 colleges for four years. Then I went to Oregon State
15 University as an assistant sports information
16 director for five years before coming to Fresno State
17 13 years ago.

18 Q. In what years were you the assistant AID --
19 or SID at Oregon State?

20 A. 1976 to '81.

21 Q. And then after you left Oregon State, where
22 did you go?

23 A. Fresno State.

24 Q. And that would have been about 1982?

25 A. '81.

26 Q. And once you arrived at Fresno State, trace

1 for me y- career there.

2 A. I was named sports information director and
3 then took on the new title of assistant athletic
4 director for communications and sports information in
5 1991.

6 Q. Okay. During the time that you were the --
7 during the time that you were at Oregon State
8 University, to the best of your recollection did
9 Fresno State have any games against Oregon State, any
10 football games?

11 A. No.

12 Q. All right. And when you began at Fresno
13 State, when was the first occasion upon which a game
14 was scheduled and played between Oregon State
15 University and Fresno State University?

16 MR. PENNER: In football?

17 MR. CRIPE: In football.

18 THE WITNESS: I believe it was the first
19 year here.

20 BY MR. CRIPE:

21 Q. In 1981?

22 A. Correct.

23 Q. And do you recall where that game was
24 played?

25 A. Corvallis.

26 Q. And at that time, KMPH had a contract to

1 A. mean, I agree. That pretty ambiguous.

2 Q. Okay.

3 A. It's different from school to school.

4 Q. All right. Well, if there's going to be a
5 telecast of an FSU game, I guess FSU could pay the
6 rights fees conceivably, correct?

7 A. Not under the current contract.

8 Q. All right. And under the current contract,
9 who pays the rights fees, if any?

10 A. KMPH.

11 Q. All right. So if any rights fees were paid
12 for this game between 1985 and 1990, KMPH would have
13 paid them, correct?

14 A. Correct.

15 Q. All right. Do you recall having negotiated
16 any rights fees with regard to that telecast?

17 A. No, I don't recall.

18 Q. Is that something that you would have done
19 in your job or would you have left that to KMPH to
20 negotiate?

21 A. Depends.

22 Q. Okay. And what does it depend upon?

23 A. Some schools wish that, some don't.

24 Q. What was the practice at OSU?

25 MR. PENNER: At what time?

26 MR. CRIPE: Between 1985 and 1990.

BY MR. CRIPE :

Q. All right. When you arranged the rights for the Oregon State game in 1991, did you do anything differently in your conversation with Mr. Corwin than you had with Mr. Cowan between 1985 and 1990?

MR. PENNER: Calls for speculation.

MR. HINMAN: Vague and ambiguous.

MR. PENNER: Join.

THE WITNESS: I do not recall doing anything different.

BY MR. CRIPE:

Q. All right. When you made the arrangements between 1985 and 1990 with Mr. Cowan, to the best of your knowledge was Mr. Corwin employed at Oregon State at that time?

A. Yes.

Q. And with respect to the live telecast that occurred between 1985 and 1990, what role, if any that you have knowledge of did Mr. Corwin play?

A. I don't believe he had any role.

Q. All right. During the time frame of 1985 to 1990, do you know what position Mr. Corwin held at Oregon State?

A. At one time he was assistant sports information director.

1 R. PENNER: Join.

2 THE WITNESS: Not necessarily.

3 BY MR. CRIPE:

4 Q. It might happen that way or there might be
5 a direct conversation between the party requesting
6 and Dr. Cunningham; is that correct?

7 A. Yes.

8 Q. All right. Did you assume in 1991 that a
9 similar procedure in the alternative was followed at
10 Oregon State and Washington State?

11 A. No.

12 MR. PENNER: Vague and ambiguous.

13 BY MR. CRIPE:

14 Q. Did you know how the procedure worked at
15 Oregon State or Washington State?

16 A. No.

17 Q. But you believed that you had permission to
18 do a live telecast based upon your conversations with
19 Mr. Corwin on the one hand and Mr. Gibson on the
20 other hand; is that true?

21 A. I believe in my conversations with them
22 that we were granted permission to televise.

23 Q. Live, correct? That's what you believed?

24 A. Yes.

25 Q. All right. Because if you thought it was a
26 delayed basis, you'd have told KMPH so they could

100

1 permissi to televise the Washin. n State/Fresno.
2 State game.

3 Q. What did you say to him, to the best of
4 your recollection?

5 A. We would like to televise that game.

6 Q. All right. And what did he say?

7 A. "I don't see any problems," is what I
8 recall him saying.

9 Q. Okay. Did you discuss with him
10 specifically either delayed or live?

11 A. No.

12 Q. Had -- to the best of your knowledge, had
13 KMPH telecast live from Pullman any FSU/WSU games
14 prior to 1991?

15 MR. PENNER: To his knowledge?

16 MR. CRIPE: Right, that's why I said
17 that.

18 THE WITNESS: I believe so.

19 BY MR. CRIPE:

20 Q. All right. And do you recall approximately
21 when that occurred?

22 A. No, I don't.

23 Q. Would it have been between the years 1985
24 to 1990?

25 A. I believe so.

26 Q. All right. And to the best of your

EXHIBIT 14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----x
PAPPAS TELECASTING, INC., a California
corporation, and as Public Trustee,
Plaintiff,

- against - Case No. CV-F
92-5589-0WW

PRIME TICKET NETWORK, a California Limited
Partnership, CVN, INC., a Corporation, The
PACIFIC-10 CONFERENCE, a California Non-Profit
Association, CAPITAL CITIES/ABC INC., a Delaware
Corporation, ESPN, INC., a Corporation, ABC
SPORTS, INC., a New York Corporation, and DOES 1
through 20, inclusive,
Defendants.

-----x
DEPOSITION of JANUSZ A. ORDOVER, taken
before Howard Chaim, CSR, a Notary Public of the
State of New York, held at the offices of Borak
Reporting Service, P.C., 295 Madison Avenue, New
York, New York, on the 19th day of October, 1993,
at 10:10 a.m., pursuant to Notice.

Ordoover

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A Yes, but the point I am making -- no, the answer -- you are wrong. The fact of the matter is that you have up until twelve days, say, to make your selection means that you want to ensure that having made your selection, you are not going to be undercut by someone else.

I go to -- I go after -- you precommitted yourself twelve days ahead or two weeks ahead. I go to the competing firm and say, "Hey, look, by the way, I have five games left. Would you like to sell those?" Perhaps you committed yourself to a wrong game. There would be a lot of more complicated contracting provisions, more detailed negotiations spelling out exactly what the world would be like if exclusivity were not there. Limited exclusivity. Okay? Limited exclusivity.

Q So, it's your judgment that in order to achieve the cost efficiencies which you have described in paragraph 10, an exclusivity provision such as that found in the Pac-10 conference contract with ABC is a necessary ingredient?

A No. I think -- to rephrase my answer,

Ordover

1

2 I think I was clear on that. I believe that
3 exclusivity provisions do have the effect of
4 saving on some transaction costs. I am not saying
5 they save tremendous amounts having been able
6 to -- I do believe that the presence of
7 exclusivity does have beneficial effects on
8 transaction costs. I believe that.

9 Q Okay. Can you identify for me
0 specifically which transactional costs you believe
1 are impacted by the principals of an exclusivity
2 provision in the contract?

13 MR. WALL: That's been asked and
14 answered. We have just been doing that for
15 five minutes.

16 A I believe that the exclusivity
17 provisions make it easier to sign unenforceable
18 efficiency contracts between the owners of those
19 rights and the broadcasters and, therefore, they
20 create stronger incentives for broadcasters to
21 invest in their programming than in the absence of
22 such exclusivity. To the extent that broadcasters
23 invest in their programming, that benefits the
24 viewing public.

25 Mr. Pappas invests in promoting FSU,

1 Ordover

2 Q You say, sir, that by pooling their
3 games together, the colleges are able to offer the
4 television networks a portfolio of games.

5 A Right.

6 Q The network could get the same or a
7 larger portfolio of games by negotiating with the
8 individual collèges, could it not?

9 A Could create -- the answer is yes, it
10 could create a portfolio through individual
11 negotiations with, for example, some 30 college
12 football games.

13 Q Or 50 or a hundred, however many they
14 could get to sign on the dotted line?

15 A Sure.

16 Q The point, however, as I understand
17 this paragraph, is if they were to do that, the
18 transactional costs would be increased because of
19 the necessity of negotiating with individual
20 colleges or universities, as opposed to
21 negotiating with a body that would represent, in
22 the case of the Pac-10, ten individual
23 institutions?

24 A Yes. As I said, it would be a savings
25 on transaction costs from joint negotiations

Ordovery

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A I tried to convince them there was no need to challenge the licensing practices of Big Ten and Pac-10. And here, I am simply stating a fact, though maybe I am making a bit more than a statement, saying that indeed the FTC dropped Pac-10 and Big Ten from their investigation. They did not drop the investigation of the CFA.

Q Sir, do you have any factual basis upon which to conclude that the reason they dropped the investigation of the Pac-10 was because they shared your conclusion, as opposed to some other reason?

A No.

Q You don't know if they decided not to prosecute the Pac-10, the Big Ten because they had limited resources and they decided to go after the larger amalgamation rather than smaller; isn't that true?

MR. MELAMED: Limited resources clearly wasn't the reason.

MR. WALL: You can argue whatever you want.

MR. CRIPE: When you are deposed, counsel, you can give us your opinion.

EXHIBIT 15

RESULTS OF ARBITRON COINCIDENTAL SURVEY

Football: FSU vs. No. Illinois

Date: Sat. 9/7/91

Time: 7:07-10:12PM

1,152 Total Calls Attempted

32% Completed

Station Program		ADI TV HH		Audience Composition - Shares								Vwrs per Set
				Men			Women			TNS	Child	
		RTG	SHR	18-34	35-49	50+	18-34	35-49	50+			
KMPH	FSU vs. No. Illinois	11	26	25%	18%	21%	6%	6%	13%	6%	6%	1.9
KSEE	CAft/GGrls/DearJn	7	17	3%	7%	17%	10%	20%	27%	8%	8%	1.5
KJEO	PerSt/GrwPrv/Movie	5	12	24%	15%	5%	8%	9%	6%	18%	15%	2
KFSN	Spin/Jeo/Disc/YRid	4	10	2%	12%	17%	20%	10%	27%	2%	10%	1.6

Ratings Total

42

Station Program	Audience Composition - ADI Thousands									
	HH 000's	2+	Men			Women			TNS	Child
			18-34	35-49	50+	18-34	35-49	50+		
KMPH FSU vs. No. Illinois		91.5	22.9	16.5	19.2	5.5	5.5	11.9	5.5	5.5
KSEE CAft/GGrls/DearJn		46.0	1.4	3.2	7.8	4.6	9.2	12.4	3.7	3.7
KJEO PerSt/GrwPrv/Movie		43.8	10.5	6.6	2.2	3.5	3.9	2.6	7.9	6.6
KFSN Spin/Jeo/Disc/YRid		28.0	0.6	3.4	4.8	5.6	2.8	7.6	0.6	2.8
ADI Total 000's	437.7		184.2	129.9	136.1	172.5	132.0	167.0	108.0	208.8

Station Program		Demographic ADI Ratings							
		Men			Women			TNS	Child
		18-34	35-49	50+	18-34	35-49	50+		
KMPH	FSU vs. No. Illinois	12.4	12.7	14.1	3.2	4.2	7.1	5.1	2.6
KSEE	CAft/GGrls/DearJn	0.7	2.5	5.7	2.7	7.0	7.4	3.4	1.8
KJEO	PerSt/GrwPrv/Movie	5.7	5.1	1.6	2.0	3.0	1.6	7.3	3.1
KFSN	Spin/Jeo/Disc/YRid	0.3	2.6	3.5	3.2	2.1	4.5	0.5	1.3

RESULTS OF ARBITRON COINCIDENTAL SURVEY

Football: FSU vs. New Mexico

Date: Sat. 10/4/91

Time: 7:15-10:18PM

1,175 Total Calls Attempted

31% Completed

Station Program		ADI		Audience Composition - Shares								Vwrs per Set
		TV HH		Men			Women			TNS	Child	
				18-34	35-49	50+	18-34	35-49	50+			
RTG	SHR	18-34	35-49	50+	18-34	35-49	50+	TNS	Child			
KMPH	FSU vs. New Mexico	8	19	6%	17%	28%	4%	7%	25%	7%	6%	2.2
KSEE	Crt/Grls/Trk/Nst/Nrs/Sis	6	14	13%	7%	12%	9%	19%	21%	7%	12%	2
KJEO	Strng/Pns/Movie/P.S	3	7	23%	11%	20%	3%	9%	17%	6%	11%	1.7
KFSN	Spn/Jep/Boss/Pns/Rd	7	17	16%	4%	10%	9%	18%	24%	4%	13%	1.6

Ratings Total

42

Station Program	Audience Composition - ADI Thousands									
	HH 000's	2+	Men			Women			TNS	Child
			18-34	35-49	50+	18-34	35-49	50+		
KMPH FSU vs. New Mexico		73.9	4.4	12.6	20.7	3.0	5.2	18.5	5.2	4.4
KSEE Cr/Grls/Trk/Nst/Nrs/Sis		50.4	6.6	3.5	6.0	4.5	9.6	10.6	3.5	6.0
KJEO Strng/Pns/Movie/P.S		21.4	4.9	2.4	4.3	0.6	1.9	3.6	1.3	2.4
KFSN Spn/Jep/Boss/Pns/Rd		47.0	7.5	1.9	4.7	4.2	8.5	11.3	1.9	6.1
ADI Total 000's	419.9		181.2	118.1	130.0	170.6	120.3	147.7	105.4	199.3

Station Program		Demographic ADI Ratings							
		Men			Women			TNS	Child
		18-34	35-49	50+	18-34	35-49	50+		
KMPH	FSU vs. New Mexico	2.4	10.6	15.9	1.7	4.3	12.5	4.9	2.2
KSEE	Cr/Grls/Trk/Nst/Nrs/Sis	3.6	3.0	4.7	2.7	8.0	7.2	3.3	3.0
KJEO	Strng/Pns/Movie/P.S	2.7	2.0	3.3	0.4	1.6	2.5	1.2	1.2
KFSN	Spn/Jep/Boss/Pns/Rd	4.2	1.6	3.6	2.5	7.0	7.6	1.8	3.1